IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1563 OF 2005
IN
WRIT PETITION NO. 8411 OF 2004

Harshang Shanubhai Patel ...Applicant

Vs.

State of Maharashtra & Ors. ...Respondents

Mr.R.K.Mendadkar for Applicant
Mr. C.R. Sonawane, A.G.P. for Respondents

CORAM: H.L.GOKHALE &
SMT.R.S.DALVI,JJ.
DATED: 1ST JULY, 2005

P.C.

1. Heard Mr. Mendadkar in support of this application. Mr. Sonawane appears for Respondent Nos.1 to 3 and opposes the prayer. The Civil Application prays for amendment to add paragraph 10(a) to the Petition and prayer clauses (b-1) and (d-1) in the prayer clause. As far as this prayer clause (a) in the Civil Application to amend the Petition if concerned, the same is granted.

2. As far as the other prayer clauses of Civil Applications are concerned, prayer clause (c) and (d) and (e) of the Civil Application seek an order that the Petitioner be considered for admission in the first year Engineering Degree Course and an ad-interim order be granted. Mr. Mendadkar presses for an ad-interim order. This prayer is made on the basis

that the applicant belongs to the Tadvi, Scheduled Tribes Community. Mr.Mendadkar has taken us to the main Petition and the order passed by the Scrutiny Committee. What we find from the order is that the Committee has given two reasons in the impugned order. In paragraph No.8 the Committee has gone to the question of migration. But in Paragraph No.7 it has made certain observations on merits. It has also referred to the letter of the father of the applicant dated 25th May, 2004 that if the documents submitted are not sufficient the Committee may invalidate the claim. That letter is also on record. Independent of that letter we have seen the two documents which are on record. They are the leaving certificates of the applicant and his father. Both are subsequent to the Presidential Notification.

3. The order passed by the Committee rejecting the claim of the applicant/petitioner is under challenge. All that has happened is that the main Petition is admitted and that order is stayed, but the order is not yet reversed. Mr. Mendadkar submits that pending this Petition the Petitioner/applicant may be granted admission by way of ad-interim order. It is not possible to accept this contention until the impugned order is reversed and Petitioner is held eligible. In any case having seen the documents also we are not satisfied that the Petitioner/applicant is

eligible for any such order on the basis of material on the record. We were inclined to consider remand the matter but Mr.Mendadkar insisted on ad-interim order which we cannot grant in the facts of the case. The prayer clause (C) and (d) and ad-interim order as sought in prayer clause (e) in that behalf is rejected.

4. In view of this order in fact the amendment can't serve any immediate purpose. However, if Petitioner is keen on it for future purpose he may amend the Petition within one week. Civil Application disposed of.

(H.L.GOKHALE,J.)

(SMT. R.S. DALVI,J.)